

REMARKS

After the Final Office Action mailed August 5, 2007 (hereinafter: "the Final Office Action"), claims 1-20 stand rejected. Reconsideration of the above-referenced application in view of the following remarks is respectfully requested.

I. Summary of Interview

Applicant's representative appreciates the courtesy extended by Examiner Lim in a telephone interview (hereinafter: "the interview") on August, 21, 2008. During the interview, an agreement was reached that U.S. Published Patent Application No. 2004/0179539 to Takeda et al. (hereinafter: "Takeda") has a 102(e) priority date of July 16, 2003, and was not prior art against the subject application under 35 U.S.C. §102(e). The Examiner's assistance in determining the status of Takeda is noted and greatly appreciated.

II. Rejection of Claims 1-20 Under 35 U.S.C. §102(e)

Claims 1-20 have been rejected under 35 U.S.C. §102(e) as anticipated by Takeda. As discussed in the interview, Takeda was filed in the U.S. on July 16, 2003, and claims priority to

no other U.S. or international references that would establish an earlier filing date under 35 U.S.C. §102(e). Accordingly, the critical reference date of Takeda, for the purpose of a rejection under 35 U.S.C. §102(e), is July 16, 2003. The subject application claims priority from U.S. provisional patent application Serial No. 60/457,656, filed on March 26, 2003.

Since the priority date of this application predates the 35 U.S.C. §102(e) critical reference date of Takeda, it is respectfully submitted that Takeda cannot be applied as prior art against this application under 35 U.S.C. §102(e). Given the priority date of the subject application, Takeda also would not appear to qualify under prior art under either 35 U.S.C. §102(a) or 35 U.S.C. §102(b). It is thus respectfully submitted that Takeda does not qualify as prior art against the subject application, and it is requested that the rejection of claims 1-20 be withdrawn.

III. Conclusion

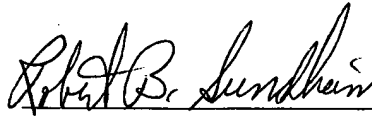
In light of the above amendment and remarks, it is respectfully submitted that the application is in condition

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for allowance, and the passage of the application to issue is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert B. Sundheim", is written over a horizontal line.

Robert B. Sundheim
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